

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE CAPACITORS ANTITRUST LITIGATION

Master File No. 3:14-cv-03264-JD

THIS DOCUMENT RELATES TO: ALL DIRECT
PURCHASER ACTIONS

**[PROPOSED] ORDER GRANTING
PLAINTIFFS' ADMINISTRATIVE
MOTION TO FILE UNDER SEAL
PORTIONS OF THEIR LETTER BRIEF**

1 This matter comes before the Court on the Administrative Motion to File Under Seal Portions of
 2 the March 5, 2015 letter brief (“Letter Brief”) and Exhibit A thereto filed by Direct Purchaser Plaintiffs
 3 and Indirect Purchaser Plaintiffs (“Plaintiffs”).

4 The Court has considered the Motion, the request by any defendant or any other interested party
 5 to seal the portions of the Letter Brief and Exhibit A thereto, containing information and documents
 6 provided to Direct Purchaser Plaintiffs and designated confidential by a defendant to this action
 7 pursuant to a confidentiality agreement, and the request by the U.S. Department of Justice (“DOJ”) to
 8 seal the portions of the letter brief and Exhibit A thereto that contain information obtained from the
 9 leniency applicant under the Antitrust Criminal Penalty Enhancement and Reform Act of 2004, Pub. L.
 10 No. 108-237, § 213(a)-(b), 118 Stat. 665, 66-67 (2004) (“ACPERA”) in order to protect the DOJ’s
 11 ongoing criminal investigation into the capacitors cartel. Additionally, defendant Nippon Chemi-Con
 12 Corporation has designated one page of Exhibit A, excerpted in the Letter Brief, as “Confidential”
 13 under the Protective Order.

14 The Court finds that the designated portions of the Letter Brief and Exhibit A thereto are
 15 “privileged, protectable as a trade secret or otherwise entitled to protection under the law.” Civil Local
 16 Rule 79-5(b). The Court further finds that the strong presumption of access to judicial records may be
 17 rebutted under the good cause and compelling reasons standards.

18 The motion is therefore GRANTED.

19 Accordingly, the following portions of the Letter Brief and Exhibit A thereto will remain under
 20 seal at this time:

Letter Brief Section	Result

IT IS SO ORDERED.

Dated: _____, 2015

By: _____
HONORABLE JAMES DONATO
UNITED STATES DISTRICT JUDGE